

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 47

HILO BAY, WAILOA RIVER AND WAILUKU RIVER, HAWAII

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- §13-47-2 Prohibited activities
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Historical Note. Chapter 47 of Title 13 is based substantially upon Regulation 35 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff. 3/23/70; am 11/22/73; R 5/26/81]

§13-47-1 Definitions. As used in this chapter unless otherwise provided:

"Kuahonu crab" means any crab of the species *Portunus sanguinolentus* or a recognized synonym. Also known as, among other names, kuhonu and white crab.

"Hilo Harbor" means the waters of that portion of the bay in Hilo bounded by the breakwater, thence along a line from the tip of the breakwater southwestward to Alealea Point, then along the shoreline to the inshore end of the breakwater as delineated in "Locations and Landmarks of Hilo Harbor, Wailoa River and Wailuku River, Hawaii 11/12/87" attached at the end of this chapter.

"Length" means the measured straight line distance on the fish between the point furthest forward, usually the tip of the nose or mouth, and the point furthest backward, either the center of the tail or the tip of the tail, excluding any tail filaments or streamers, whichever is shorter.

"Moi" means any fish known as *Polydactylus sexfilis* or a recognized synonym. Also known as, among other names, moi li'i, mana moi, pala moi, pacific threadfin,

and six-fingered threadfin.

"Mullet" means any fish known as *Mugil cephalus* or a recognized synonym. The young of this species are known as, among other names, pua ama'ama, pua, po'ola, and o'ola. Also known as, among other names, ama'ama, anae, anaeholo, anaepali, gray mullet and striped mullet.

"Netting" means the taking or killing of fish by means of any net except throw nets, opae/dip nets, crab nets, and nehu nets.

"Spear" means any fishing device consisting of a straight rigid shaft with one or more sharpened points at one end of the shaft, along with, any device that aids in the aiming accuracy or the force of propulsion of the shaft. A spear includes, but is not limited to, spear gun, bow and arrow, Hawaiian sling, and three-prong spear. Also includes any similar device that is capable of impaling aquatic life to allow capture, with or without the aid of artificial propulsion.

"Spearing" means using or attempting to use a spear, on or near the water where aquatic life may be taken.

"Throw net" means a type of fishing net usually made into the shape of a circle or cone with an extra panel of netting material, sometimes called the skirt, and weighted along the open edge of the circle or cone.

"Throw netting" means using or attempting to use a throw net, on or near the water where aquatic life may be taken, by throwing the net over fish or fishes as they swim in the water. Once the net is thrown over and covers the fish or fishes, the fish or fishes are caught either in between the net and the extra panel of netting or in the mesh.

"Trap" means a device or structure, formed or covered with netting, welded wire, wire mesh or other material, into which fish, crabs and other marine organisms can enter through one or more openings that may be so arranged that egress is more difficult than ingress.

"Ul原因" means any fish belonging to the genera *Gnathanodon*, *Alectis*, *Carangoides*, and *Caranx* or recognized synonyms. The young of these genera are known as, among other names, papio, papiopio, and pau u'u. Also known as, among other names, omilu, ulua aukea, ulua ele'ele, jacks, and trevallys.

"Wailoa River" means that body of water bounded by a straight line drawn across the mouth of the river and the foot bridge at the mouth of Waiakea pond and

including the Waiolama canal upstream to the highest wash of the tidal water as delineated in "Locations and Landmarks of Hilo Harbor, Wailoa River and Wailuku River, Hawaii 11/12/87" attached at the end of this chapter.

"Wailuku River" means that portion of the river between the Mamalahoa highway bridge and the Wainaku avenue bridge as delineated in "Locations and Landmarks of Hilo Harbor, Wailoa River and Wailuku River, Hawaii 11/12/87" attached at the end of this chapter.

"Width" means the widest measured straight line distance between the right and left edges across the crab's carapace or back shell, including the spines but excluding the legs. [Eff: 5/26/81; comp 3/20/87; am and comp 3/7/88; am and comp JAN 15 1999 ] (Auth: HRS §188-53) (Imp: HRS §§188-34, 188-53)

§13-47-2 Prohibited activities. (a) No person shall engage in the following activities within Hilo harbor, Wailoa river, and Wailuku river:

- (1) Fish for mullet during the months of December, January and February or moi during the months of June, July and August;
- (2) Catch or possess more than an aggregate total of twenty fishes of mullet, moi and ulua including papio; provided that this bag limit shall not include more than fifteen moi per day;
- (3) Take or possess:
  - (A) More than three Samoan crabs per day, or any Samoan crab less than six inches (15.24 centimeter) in width;
  - (B) Kuahonu less than four inches (10.16 centimeters) in width; and
  - (C) Moi less than seven inches (17.78 centimeters) in length;
- (4) Take or possess any crab with external eggs, or with a missing or mutilated abdomen or tail;
- (5) Use spears or any other implement capable of inflicting a puncture wound for the taking of crabs, or to possess any crab with a puncture wound;
- (6) Fish with more than two poles with one line each, or two hand lines, or with more than two hooks or two lures per line;
- (7) Take crabs except by the use of:

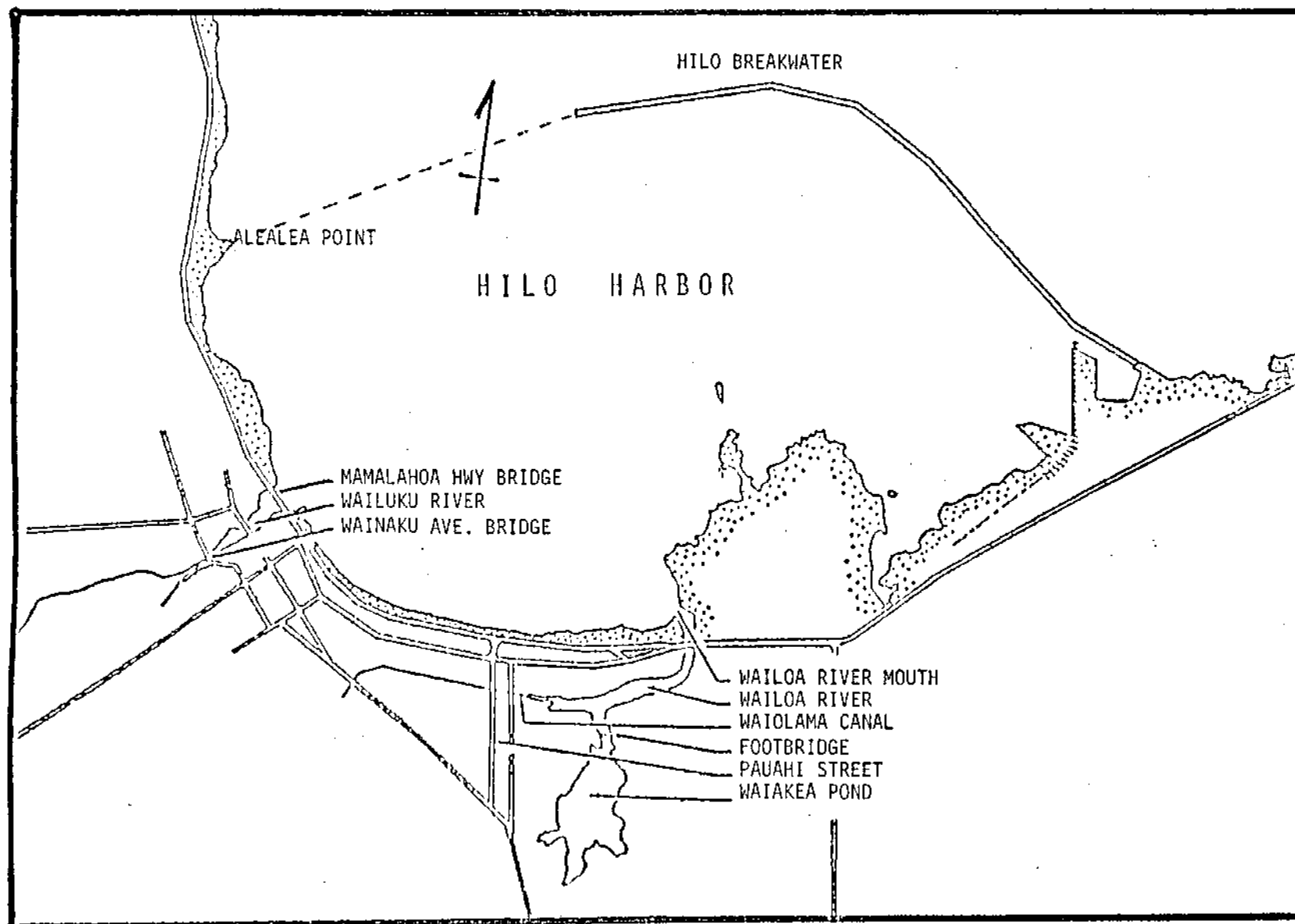
- (A) Baited lines provided that dip nets may be used to land crabs lured by the bait attached to the line; and
  - (B) Crab nets not exceeding two feet (0.61 meter) in the longest straight line dimension and stretched mesh of not less than two inches (5.08 centimeters); provided that any fisherman shall not fish with more than five crab nets at any time and those nets shall be attended at all times;
  - (8) Use traps;
  - (9) Use netting except:
    - (A) Opae nets not exceeding three feet (0.91 meter) in any dimension; and
    - (B) Nehu nets not longer than fifty feet to take nehu for family consumption or bait purposes; and
  - (10) Snag any fish.
- (b) Unless otherwise allowed by law, it is unlawful for any person to possess a throw net or to engage in throw netting in the Wailoa River.
- (c) Unless otherwise allowed by law, it is unlawful for any person to possess a spear or to engage in spearing in the Wailoa River. [Eff: 5/26/81; am and comp 3/20/87; am and com 3/7/88; am and comp JAN 15 1999] (Auth: HRS §188-53) (Imp: HRS §§188-34, 188-44, 188-45, 188-58)

§13-47-3 Permitted activities. A person may, with valid authorization:

- (1) Issued pursuant to section 13-74-22, use small mesh nets to take bait-fish; or
- (2) Issued pursuant to sections 13-74-40 or 13-74-43, use small mesh nets to take young mullet or pua for the purpose of stocking their fish pond or licensed aquaculture facility; provided that such taking of pua is not allowed in the Wailoa river; or
- (3) Engage in other activities, as may be authorized by law. [Eff: 5/26/81; comp 3/20/87; com 3/7/88; am and comp JAN 15 1999] (Auth: HRS §188-53) (Imp: HRS §§188-34, 188-44, 188-45, 188-53)

§13-47-4 Penalty. A person violating the

provisions of this chapter shall be punished as provided by section 188-70, Hawaii Revised Statutes and as may be otherwise provided by law. [Eff: 5/26/81; am and comp 3/20/87; comp 3/7/88; am and comp JAN 15 1999 ] (Auth: HRS §§187A-12.5, 188-53) (Imp: HRS §§187A-12.5, 187A-13, 188-70)



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